

1 THE HONORABLE THOMAS S. ZILLY  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 BUNGIE, INC.,

10 Plaintiff,

11 v.

12 AIMJUNKIES.COM; PHOENIX  
13 DIGITAL GROUP LLC; DAVID  
14 SCHAEFER; JORDAN GREEN;  
JEFFREY CONWAY; and JAMES MAY,

15 Defendants.

No. 2:21-cv-811-TSZ

DECLARATION OF CHRISTIAN  
MARCELO IN RESPONSE TO  
DECLARATION OF PHILIP P. MANN  
REGARDING DKT. NO. 135

16 I, Christian Marcelo, declare as follows:

17 1. I am an attorney licensed to practice law before the courts of the State of  
18 Washington. I am an attorney at Perkins Coie LLP, and counsel in this action for Plaintiff Bungie,  
19 Inc. (“Bungie” or “Plaintiff”). I submit this declaration in response to the Declaration of Philip P.  
20 Mann (Dkt. No. 137, hereafter “Mann Declaration” or “Mann Decl.”) regarding the Court’s May  
21 16, 2023 Order (Dkt. No. 135). I have personal knowledge of the facts stated herein and, if called  
22 upon, could and would testify competently thereto under oath.

23 2. In support of Defendants’ Motion for Relief from Deadline for Disclosure of Expert  
24 Testimony (Dkt. No. 128), Defendants stated that “the deadline for disclosing expert  
25 testimony . . . should be extended in order to permit Defendants’ Expert to analyze the information

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MARCELO DECL. IN RESPONSE TO MANN DECL.  
(No. 2:21-cv-811-TSZ) – 1

1 provided by Bungie for the first time in April and May, 2023, long after the prior November 21,  
2 202[2] deadline . . . ” Dkt. No. 128 ¶ 6.

3       3. In response to the Court’s May 16, 2023 Order, Defendants’ counsel identified five  
4 documents produced by Bungie that form the basis of Defendants’ purported expert’s opinion:  
5 BUNGIE\_WDWA\_0000410,      BUNGIE\_WDWA\_0000416,      BUNGIE\_WDWA\_0000421  
6 BUNGIE\_WDWA\_0000368, and BUNGIE\_WDWA\_0000409 (the “Bungie Documents”).

7 4. Bungie produced each of the Bungie Documents to Defendants on July 25, 2022.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

12 || Executed this 23rd day of May, 2023.

/s/ Christian W. Marcelo  
Christian W. Marcelo

MARCELO DECL. IN RESPONSE TO MANN DECL.  
(No. 2:21-cv-811-TSZ) – 2

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